

M E M O R A N D U M

To: Janeen Ditrick  
Cluster Manager, Number 0692

Date: August 8, 2008

File No.: 74:4114:rg:Gilroy

From: Ernesto Magaña  
Employment Development Department

Subject: **MONITOR ADVOCATE OFFICE ON-SITE ANNUAL REVIEW  
PROGRAM YEAR 2007-2008  
GILROY JOB SERVICE SITE  
FINAL MONITORING REPORT**

This Final Monitoring Report summarizes the California Monitor Advocate Office's (MAO) results of the Migrant and Seasonal Farmworkers (MSFW) on-site annual review of the Gilroy Job Service (JS) site. Associate Monitor Advocates, Rebeca Guerra and Francisco Macias conducted this annual review from July 15, 2008 through July 16, 2008. We focused our annual on-site review on the full range of employment services, benefits, and protections, including the full range of job and training referral services, counseling, and testing provided to MSFWs.

The MAO conducted this annual on-site review under the authority of all related Federal Regulations, including Title 20 of the Code of Federal Regulations (CFR), Chapter V, Parts 651, 653, and 658, applicable State laws, and Employment Development Department (EDD) JS policies and procedures. Specifically, Title 20 CFR, Part 653.108, requires the MAO to perform ongoing reviews of EDD services provided to MSFWs.

We collected information for this report by examining the Gilroy JS Field Office's (FO) provision of services, job information sharing, job application taking process, outreach program operation, data collection, agricultural clearance order activity, and JS complaint system. Additionally, we interviewed Gilroy JS site management and staff.

Normally, after each programmatic review, the MAO issues a draft report to allow local JS management an opportunity to address the MAO observations and/or findings. In this case, Gilroy JS management provided a response to each of the observations at the Exit Conference and requested that the MAO issue a final report.

Our on-site annual monitoring review revealed the following findings:

**Finding 1:** Outreach activities

**Observation:** We noted that the Gilroy JS FO spent 394.5 hours in outreach activities during Program Year (PY) 2007-08. The Gilroy Office had an allocation of 646 hours for outreach activities for PY 2007-08.

**Citation:** 20 CFR 653.107(i)

**Response:** Local Gilroy JS site management stated that outreach activities were not conducted for several months during the PY because of staffing shortages and JS Program inability to backfill vacant positions. Because of this, the local Outreach Worker had to remain at the JS site assisting with the daily functions of the site.

**Recommendation:** The MAO acknowledges the staffing challenges local JS sites are experiencing throughout the State. However, we recommend that an effort is made to backfill vacant positions so that the Gilroy outreach worker can conduct a vigorous outreach of MSFWs as required by Federal regulations.

**Finding 2:** Untimely Outreach Monthly Reports

**Observation:** During PY 2007-08 the Gilroy JS site submitted a total of five outreach reports to the MAO of which three reports were submitted untimely. During the Entrance Conference, local Gilroy JS site management provided four additional reports.

**Citation:** 20 CFR 653.107(n) and Outreach Manual Chapter 08-00-00

**Response:** Local JS site management advised that a shared folder will be created for the outreach program. The Outreach Worker will complete online daily logs and will submit the outreach reports in a timely manner.

**Recommendation:** The MAO agrees with local JS site management's response. In the event that outreach logs are not submitted, MAO staff will contact the JS site to verify that outreach activity is taking place.

**Finding 3:** Outreach Worker carries no state identification

**Observation:** During the ride along with the Outreach Worker, MAO staff observed that the Outreach Worker did not carry a State identification while conducting outreach activities.

**Citation:** 20 CFR 653.107(p)

**Recommendation:** The MAO recommends that the Outreach Worker carries State identification at all times while conducting outreach activities as required by 20 CFR.

**Finding 4:** Outreach Contacts

**Observation:** A pre analysis of the Gilroy JS site's outreach logs revealed that the Outreach Worker listed outreach contacts that did not constitute an "outreach contact" as defined by 20 CFR. This fact was substantiated during the ride along with the Outreach Worker.

**Citation:** 20 CFR 653.107(j)

**Recommendation:** MAO staff provided technical assistance to the Outreach Worker and site manager on what constitute an "outreach contact" as defined by 20 CFR. The Gilroy JS site manager committed to ensuring that the Outreach Worker properly records outreach contacts.. To that end, on-the-job training (OJT) will be provided to Cluster Outreach Workers to ensure consistency. Local JS management will also closely monitor daily activity logs.

**Finding 5:** Handling of non-JS Complaints

**Observation:** A pre analysis of the Gilroy JS site's complaint logs revealed that two separate discrimination complaints taken by the Gilroy JS Site Complaint Specialist in October and November 2007 were incomplete and were elevated to incorrect referral agency. Although they were discrimination complaints, both were elevated to the Division of Labor Standards Enforcement instead of the Department of Fair Employment and Housing and/or the Equal Employment Opportunity Commission.


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**Citation:** 20 CFR 658.422 and Complaint Manual Section 02-02-04.

**Recommendation:** MAO staff provided technical assistance on proper processing of complaints to both site manager and Complaint Specialist. The Gilroy JS Site manager committed to providing OJT on complaints processing to staff and to monitor complaint logs regularly for accuracy.

Please extend our appreciation to your staff for their cooperation and assistance during our review. If you have any questions, please contact Rebeca Guerra at (916) 651-9461.

Sincerely,

  
FOR ERNESTO MAGAÑA, Chief  
Monitor Advocate Office

cc: Rick Deraiche  
Denise Ceballos